

Local Agency Formation Commission  
Of Modoc County  
Regular Meeting

Minutes of August 12, 2008

**1. Call to Order:**

Chairman Dunn called the meeting to order at 5:04 pm, in the City Council Chambers, Alturas City Hall. Commissioners Schreiber, Dederick, Dunn, Neer and Macsay were present. Commissioner Alternate Public Member Jerry Shea was also present.

Absent: Commissioner Alternate Nelson and Commissioner Alternate Bradshaw

Staff Present: John Benoit, Executive Officer and Stephanie Roddy, Interim Clerk

Pledge of Allegiance

**2. Approval of Agenda:**

Commissioner Macsay made the motion to approve the agenda as submitted; seconded by Commissioner Neer. All in favor: Unanimous.

**3. Election of Chair and Vice-Chair for fiscal year 2008-2009 in accordance with LAFCO's adopted Bylaws.**

*a. Elect Chair for fiscal year 2008-2009*

Commissioner Schreiber made the motion to elect Commissioner Dederick as Chair for fiscal year 2008-2009; seconded by Commissioner Neer. All in favor: Unanimous.

*b. Elect Vice-Chair for fiscal year 2008-2009*

Commissioner Neer made the motion to elect Commissioner Macsay as Vice-Chair for Fiscal Year 2008-2009; seconded by Commissioner Dederick. All in favor: Unanimous.

**4. Correspondence:**

None

**5. Approval of Minutes:**

Commissioner Dunn made the motion to approve the minutes of June 10, 2008 as submitted; seconded by Commissioner Macsay. All in favor: Unanimous.

**6. Public Comment:** Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions other than those items that are contained on the agenda; the public may request an item to be placed on a subsequent agenda.

None

**7. Activation of Latent Powers request from the Canby Community Services District:**

*a. Review Executive Officer's report and consider adoption of Resolution*

*authorizing the Canby CSD to perform water, wastewater and recreation services within its boundaries.*

John Benoit: briefly reviewed the details of the request and explained why it is necessary: the CSD is not asking for authorization to perform fire protection services; changes in the law in 2001 and 2005 stripped the powers of all inactive CSDs

A representative from the Canby CSD explained that the CSD is prepared to move forward if the request is approved.

Commissioner Macsay made the motion to adopt Resolution 2008-0006, authorizing water, wastewater and recreational services for the Canby CSD; seconded by Commissioner Schreiber. All in favor: Unanimous.

**8. Request for LAFCO Fee Waiver for Formation of Health Care District (Continued from the April and June meetings):**

*a. Continued discussion and request and take action thereon. Consider adoption of LAFCO Resolution 2008-0005.*

John Benoit: briefly explained that should LAFCO approve the waiver request, no increased liability would result from that action.

Mike Mason: spoke for the Save our Hospital Committee, explaining that they are a volunteer organization and the funding for the LAFCO fees would be coming from the Hospital Auxiliary; if the money from the Auxiliary is not spent of LAFCO fees, it will be spent on equipment for the hospital.

Commissioner Dunn: the only problem he could see with the waiver is that while government code allows it, it will still go back to the taxpayers; the entire County's taxpayers will be "footing the bill" and not all taxpayers are within the hospital district.

Commissioner Dederick: questioned the impact of the waiver on the budget.

John Benoit: explained that the money would come from the City and County, 50% from each entity.

A member of the public questioned why the fee would be waived if the money were available from the Auxiliary.

Commissioner Neer: responded, explaining that the request was for a cause in the public interest, health and safety; the entire County would benefit; the Auxiliary could then use the money for other things to move the project forward.

Commissioner Dunn requested a copy of the Financial Statement for the Save our Hospital Committee.

Mike Mason: explained that a large amount of money (+/- \$6200) had been spent

for attorney's fees to ensure legality of the requested district that was not budgeted; explained that additional fund-raising will be necessary before education of the public can occur.

Jerry Shea: concerned about setting precedence and the effect it would have on budget restraints in the future.

Commissioner Dederick: under such unique circumstances, waivers are granted by the City and County "all the time." Asked what would be done with the money if not spent on LAFCO fees.

Commissioner Neer: the proposed Resolution and law both state that the waiver cannot set precedence; each request must be considered on a case-by-case basis.

Mike Mason: if the money from the Auxiliary is not spent on fees, it will be spent on equipment for the hospital.

A member of the public stated that the money would end up back in the hospital no matter what it is spent on.

Commissioner Schreiber: the Commission must represent the County as a whole, not just one group, not just the City.

Commissioner Dederick: even though the District isn't County-wide, the entire County benefits from the hospital.

Commissioner Macsay: if the hospital is lost, the City will die economically; accidents, medical problems, etc there will be no help available, no ambulance.

Commissioner Neer: those people working for the benefit of the hospital should be given any assistance possible.

Commissioner Neer made the motion to adopt Resolution 2008-0005, in the interest of public health and safety; seconded by Commissioner Macsay. All in favor: Unanimous.

**9. Discussion and review of proposed policy amendment regarding Spheres of Influence and Municipal Service Reviews:**

John Benoit gave a report, explaining that the handout given is a revision Chapter 3 policies; he wants to update policy as laws change; the main change is that the Sphere of Influence must reflect the Municipal Service Review (MSR), making the MSR much more important; other changes: the City must communicate with the County about boundaries, maps need changing and additional maps are needed for service review.

Commissioner Macsay asked that this item be continued at the next meeting.

Commissioner Dunn requested an electronic copy of the amendment.

**10. Review and Authorize payment of claims:**

- a. *Ratify and authorize Payment of Claims for June 2008 and July 2008.*

Commissioner Dunn made the motion to authorize payment of claims for June and July 2008; seconded by Commissioner Macsay. All in favor: Unanimous.

**11. Executive Officer's Monthly Report - General Discussion:**

*Legislative Update*

John Benoit highlighted important changes in LAFCO law:

- The fee deposit system is now legal
  - Political contributions cannot be filed through John Benoit, must go through the County Elections Dept
  - Latent Power Change is now Change of Organization and new requirements are included in the change
  - City annexations could include tax benefit - not passed yet
  - Hot Springs Irrigation District title change - not passed yet
  - CSD law now allows broadband facilities
  - CSAs need to be inventoried (Modoc only has one for roads)
  - The Steinberg Bill - regional transportation planning "trumping" land-use planning; promotes more compact development; housing and transportation plans must be aligned; amend CEQA to reward projects that accomplish goals
- He will have a report on Calafco prepared for the next meeting

**12. Commissioner Reports - Discussion:**

Discussion occurred regarding the possibility of meeting on a different night if conflicts are to occur with the City on a regular basis. Not necessary.

The next meeting will be October 14, 2008.

There being no further business to come before this Commission, the meeting was adjourned at 6:00 pm.